United Nations S/2018/76

Security Council

Distr.: General
31 January 2018

Original: English

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction and Mission priorities

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council established the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested me to report at regular intervals on the implementation of its mandate. The report covers the activities of UNMIK, and developments related thereto, from 16 October 2017 to 16 January 2018.

2. The priorities of the Mission remain to promote security, stability and respect for human rights in Kosovo and in the region. In furtherance of its goals, UNMIK continues its constructive engagement with Pristina and Belgrade, all communities in Kosovo and regional and international actors. The Organization for Security and Cooperation in Europe (OSCE) and the Kosovo Force continue to perform their roles within the framework of Security Council resolution 1244 (1999). The European Union Rule of Law Mission in Kosovo (EULEX) continues its presence in Kosovo, in line with the statement by the President of the Security Council of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692). The United Nations agencies, funds and programmes work closely with the Mission.

II. Key political and security developments

3. On 22 October 2017, municipal elections were held in all 38 municipalities in Kosovo. It was the second time that local elections were held throughout Kosovo since the signing of the 19 April 2013 First Agreement of Principles Governing the Normalization of Relations between Belgrade and Pristina. Voter turnout was relatively high, especially in the Serb-majority municipalities, reaching up to 46 per cent in some municipalities. Around 7,000 candidates competed for mayoral and municipal assembly positions across Kosovo. Many of the mayoral elections were close, resulting in run-offs on 19 November in 19 of the 38 municipalities. The Serbian List won mayoral races in 10 municipalities; the Democratic League of Kosovo won in 8; the Alliance for the Future of Kosovo won in 7; the Democratic Party of Kosovo won in 5; the Movement for Self-Determination, or Vetëvendosje, won in 3; and the Initiative for Kosovo and the New Kosovo Alliance each won in 1 municipality. Following the trend seen in the legislative elections of June 2017, a general diversification in voting emerged in the local elections, resulting in a weakening of traditional party strongholds.

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4. The European Union deployed an electoral observation mission consisting of 109 observers, while OSCE facilitated voting procedures in the northern municipalities, in line with past practices. The European Union election observation mission, in a report issued on 24 October, noted that in Kosovo Albanian municipalities the election was genuinely competitive, while in many Kosovo Serb communities the campaign was marred by intimidation, targeting in particular non-Serbian List political entities and their candidates. The Serbian List secured all 10 Serb-majority municipalities.

5. The participation of women was low, with only 8 women running for the position of mayor, out of a total of 204 candidates. None of the 38 elected mayors are women (compared with 1 elected in 2013). The quota for the participation for women, however, contributed to ensuring that at least 30 per cent of municipal assembly members are women.

6. During the reporting period, the government and the Assembly of Kosovo took up the issue of ratification of the agreement on territorial delineation signed with Montenegro in 2015, which remained pending. On 14 November, the State Commission on Border Demarcation reported before the Committee on European Integration of the Assembly of Kosovo that it had identified irregularities in the work of the previous Commission. The President of Kosovo, Hashim Thaçi, speaking at an international conference in Pristina on 14 November stated, however, that the agreement on territorial delineation with Montenegro was good, clear, accurate, professionally elaborated and supported by the international community, adding that any further delays in its ratification would be detrimental for Kosovo's future. On 4 December, the government of Kosovo approved a preliminary report by the State Commission on Border Demarcation that, according to a government communiqué, assessed the documentation and findings from the past Commission's work and found many factual and scientific deficiencies and omissions. The government also voted to submit the draft law on ratification of the agreement with Montenegro to the Assembly, with caveats. At the end of the reporting period, the Assembly was still reviewing the matter.

7. Discussions on a long-standing proposal to transform the Kosovo Security Force into an armed force continued at the highest level. At an international conference in Pristina on 14 November, the President of Kosovo said that any future transformation of the Kosovo Security Force would take place only through a constitutional amendment.

8. On 22 December, 43 members of the Assembly of Kosovo from the ruling coalition, and without the participation of the Serbian List, signed a request to hold an extraordinary session of the Assembly to revoke a law adopted in August 2015 in support of the work of the Kosovo Specialist Chambers and the Specialist Prosecutor's Office. The request, however, failed because of the lack of a quorum in the Assembly. Within 24 hours of the request, the Assembly went into its winter recess, postponing any further discussion of the matter until at least mid-January. The effort to revoke the law was strongly condemned by opposition parties and by international and regional partners of Kosovo. In a joint statement issued on 12 January 2018, the European Union Special Representative for Kosovo and the heads of European Union missions in Kosovo noted that the initiative to abrogate the law on the Specialist Chambers and Specialist Prosecutor's Office was still pending before the Assembly of Kosovo and was of extreme concern to the European Union and its member States. They urged the sponsors of the initiative to withdraw the request, indicating that any attempt to repeal or amend the mandate of the Specialist Chambers would have an adverse effect on the relations between Kosovo and the European Union.

9. Some steps were taken towards ensuring faster and more consistent progress in fulfilling the European Reform Agenda of Kosovo. On 10 November, the government of Kosovo approved the key priorities of the European Agenda for 2018 and declared its commitment to fulfilling its duties and moving the agenda forward. On 17 November, the High Representative of the European Union for Foreign Affairs and Security Policy, Federica Mogherini, and the Prime Minister of Kosovo, Ramush Haradinaj, co-chaired the second meeting of the European Union-Kosovo Stabilization and Association Council in Brussels. Following the meeting, the Office of Prime Minister Haradinaj issued a communique, in which the firm commitment of Kosovo to deliver swiftly on key Stabilization and Association Agreement reforms was reaffirmed, with a view to continued progress on its path to joining the European Union. Subsequently, on 18 December, the Prime Minister of Kosovo attended a working dinner for prime ministers from the Western Balkans, hosted in Brussels by the High Representative of the European Union. On 31 October, Kosovo officials attended the first meeting of coordinators of the Regional Cooperation Council multi-action plan, in Brussels, to discuss the implementation of agreements reached at the Western Balkans Summit, held in Trieste, Italy, in July 2017.

10. On 5 December, however, the President of Kosovo, speaking at the headquarters of the Kosovo Security Force in Pristina, noted that an unjustified number of international missions were still functioning in Kosovo and called upon international missions to leave. He also expressed dissatisfaction with the European integration process, questioning whether Kosovo enjoyed a European perspective, and criticized the Kosovo Specialist Chambers and Specialist Prosecutor's Office. Some of these concerns were echoed by other political leaders in Pristina.

III. Northern Kosovo

11. A total of 24,095 (approximately 42 per cent) registered voters from the four northern municipalities cast ballots in the municipal elections held in Kosovo on 22 October. This represents a significant increase compared with the 2013 municipal elections, in which approximately 13,000 Kosovo Serbs cast their votes amid calls for a boycott by local politicians opposing the 2013 Agreement between Belgrade and Pristina.

12. The OSCE mission in Kosovo provided technical support in the conduct of the elections in the four northern municipalities. The support included technical advice to the four municipal election commissions and technical support to polling station committees on the day of the election, including the deployment of more than 220 OSCE observers to the northern municipalities.

13. The Serbian List won all four northern municipalities in the first round, obtaining a large majority of seats in the municipal assemblies and all four mayoral positions. The four northern municipal assemblies held their respective constitutive sessions on 14 December, as convened by the newly elected mayors.

14. The overall security situation in northern Kosovo remained fragile, with a number of incidents reported. On 16 January, in an incident with potential implications far beyond northern Kosovo, a prominent Kosovo Serb politician and leader of the Civic Initiative "Serbia, Democracy, Justice", Oliver Ivanovic, was shot dead by unidentified assailants outside his party's offices in North Mitrovica. Mr. Ivanovic had recently run, unsuccessfully, for mayor of North Mitrovica in the October elections. My Special Representative, Zahir Tanin, condemned the murder of Mr. Ivanovic, calling for swift and decisive work by investigative authorities as well as for calm on all sides. Political leaders in Belgrade and Pristina, as well as the European Union, OSCE and some Member States also issued statements condemning

the murder. The President of Serbia, Aleksandar Vučić, convened a special session of the National Security Council, at which he described the murder of Mr. Ivanović as a terrorist attack against Serbs in Kosovo, and demanded that Serbia be directly involved in the investigation of the murder. The Prime Minister of Kosovo also called for an emergency session of the Kosovo Security Council. Despite some initial rhetorically charged statements from both sides, the authorities from Belgrade and Pristina subsequently appeared ready to agree upon practical modes of cooperation to help solve the crime as soon as possible.

15. In an earlier incident, on 22 October, three persons of Serbian nationality were arrested at Gate 1 of the Administrative Boundary Line for possession of explosive devices found by Kosovo police officers in a bus transporting Kosovo Serb voters from Serbia. The suspects were released on bail at the end of November. On 11 November, a group of young Kosovo Serbs were allegedly assaulted by unidentified assailants in Bosniak Mahalla, an ethnically mixed neighbourhood in North Mitrovica. In a separate incident on 26 November, Kosovo police officers reported that unknown perpetrators threw explosive devices, including hand grenades and Molotov cocktails, in the yards of two Kosovo Serb members of the Kosovo Security Force in different locations in Zubin Potok, causing material damage.

IV. Normalization of relations between Belgrade and Pristina

16. During the final months of 2017, there was little formal or substantive interaction between Belgrade and Pristina. However, on 12 January 2018, the Prime Minister of Kosovo appointed his Chief of Staff, Avni Arifi, as the new coordinator to lead the Kosovo delegation to the European Union-facilitated dialogue between Belgrade and Pristina at the technical level.

17. On 15 January, the spokesperson of the High Representative of the European Union announced that a new round of the technical-level dialogue between Belgrade and Pristina would be held in Brussels from 16 to 18 January. She also indicated that the technical negotiation teams from Belgrade and Pristina, led by the Director of the Office for Kosovo and Metohija of the Government of Serbia, Marko Đurić, and by Avni Arifi, respectively, had confirmed their participation in the dialogue. However, following the murder of Mr. Ivanović in the early morning of 16 January, Marko Đurić announced that his delegation had left the technical dialogue session to return to Serbia.

18. In Belgrade, progress was made in the implementation of the internal dialogue on the Kosovo issue launched by the President of Serbia. Further to a decision adopted by the Government of Serbia on 16 October, a working group was established, led by Marko Đurić, and tasked with providing logistical support to and coordinating the internal dialogue. Several sessions of the internal dialogue were held during the reporting period, involving representatives from civil society, academia and the political, social, economic and cultural spheres.

19. Some concrete steps were taken towards further implementation of the agreements reached within the framework of the European Union-facilitated dialogue between Belgrade and Pristina. On 24 October, 40 judges and 13 prosecutors, mainly Kosovo Serbs, were sworn into the Kosovo judiciary, marking the full implementation of an agreement on the issue of the judiciary in northern Kosovo reached by the two sides on 10 February 2015.

20. In addition, on 19 December, the Ministry of Internal Affairs of Kosovo adopted a decision allowing residents of Kosovo holding a driving licence issued by the Government of Serbia before 14 September 2016, to obtain a Kosovo driving licence

without the need to pass a driving test. The decision follows an agreement reached on 14 September 2016 in the framework of the 2011 agreement on freedom of movement signed between Belgrade and Pristina.

21. There was no progress towards the establishment of the community/association of Serb majority municipalities in Kosovo, agreed to in the First Agreement of Principles Governing the Normalization of Relations. No indications were provided about when and how steps towards the establishment of the community/association might be taken.

V. Returns, reconciliation and cultural heritage and community relations

22. During the reporting period, the Office of the United Nations High Commissioner for Refugees (UNHCR) recorded 95 voluntary returns to Kosovo by members of non-majority communities. UNHCR estimates that, at the end of December 2017, the total number of internally displaced persons living in Kosovo stood at 16,417 (7,595 female and 8,822 male). UNHCR records that, in 2017, 498 persons voluntarily returned to Kosovo, the lowest number of returns since 2000 in any comparable period. Twenty individuals sought asylum in Kosovo during the reporting period, bringing the total to 143 for 2017.

23. On 16 October, the Ministry of Education, Science and Technology of Kosovo awarded 506 scholarships to secondary school and university students from Roma, Ashkali, and Egyptian communities across Kosovo, in order to promote school and university attendance by members of those communities. Several municipalities also began to put in place measures to address the high dropout rates among high school students from Roma, Ashkali and Egyptian communities.

24. On 25 November, OSCE, in cooperation with UNHCR and the Ministry for Communities and Return of Kosovo, organized a forum in Montenegro within the framework of the Skopje Process, a joint OSCE-UNHCR regional initiative launched in November 2014 in order to find durable solutions for displaced persons from Kosovo. At the forum, representatives from OSCE and UNHCR met with counterparts from Belgrade, Podgorica, Pristina and Skopje to review progress in the implementation of agreements reached in order to tackle obstacles to the displacement from Kosovo.

25. UNMIK continued to monitor developments related to the promotion and protection of religious and cultural heritage. On 29 November, the Assembly of Kosovo passed the draft law on freedom of religion, which aims to regulate the legal status of religious communities and incorporates a number of key provisions related to the status and rights of the Serbian Orthodox Church in Kosovo. The law will be sent to parliamentary committees for review prior to proceeding to a second reading in the Assembly, scheduled for the first half of 2018.

26. On 1 December 2017, the government of Kosovo allocated €285,484 to the Serbian Orthodox Church for rent payments owed by the Kosovo Anti-Corruption Agency, but relations between the Kosovo authorities and the Serbian Orthodox Church remained strained. Non-payment had been a source of tension between the Kosovo authorities and the Serbian Orthodox Church since 2014, when rent payments ceased. This was largely as a result of continued lack of progress in implementing the May 2016 ruling of the Constitutional Court of Kosovo in favour of the Visoki Dečani Monastery in a case of disputed land ownership, and to a dispute over the land and the unfinished building of the Christ the Saviour church located within the campus of the University of Pristina. During the reporting period, no meetings were held by the

Implementation and Monitoring Council, a special body established to monitor and facilitate the implementation of the Law on Special Protective Zones and comprising representatives from the Ministry of Environment and Spatial Planning; the Ministry of Culture, Youth and Sport; the European Union; OSCE; and the Serbian Orthodox Church.

27. Damage to, and illegal demolition of, historical buildings located within the protected area of the Prizren historic centre continued, with two cases recorded during the reporting period. On 16 October, damage was caused to the Kosovo Red Cross office building, and, on 18 December, the Myftiu House, built in 1859 and listed as a cultural heritage site, was demolished without the permission of the authorities.

VI. Rule of law and human rights

28. On 24 October, in line with the agreements reached within the framework of the European Union-facilitated dialogue between Belgrade and Pristina, 149 judicial support staff from non-majority communities signed their employment contracts. Of these, 118 will be assigned to justice institutions in northern Kosovo. On 31 October, the Kosovo Judicial Council appointed a Kosovo Serb judge and the former President of the Serbian-run Higher Court in Mitrovica as the new President of the Basic Court of Mitrovica. On 1 November, the new Basic Prosecution Office of Mitrovica, located in North Mitrovica, became operational. However, judicial officials highlighted a number of outstanding challenges to integration, including a considerable backlog of cases, a lack of interpreters, non-existent, incomplete or inaccurate translations of laws and legal documents into Serbian and inadequate training on the applicable laws in Kosovo.

29. On 17 November, the Basic Court of Pristina found four supporters of the opposition party Vetëvendosje guilty of terrorism-related offences and sentenced them to 21 years' imprisonment. According to the indictment, the four Vetëvendosje activists acted as an organized group and attacked the Kosovo Assembly building with an explosive device on 4 August 2016. In a separate development, on 24 November Kosovo police officers arrested four Vetëvendosje Assembly members, including its founder, Albin Kurti, after they failed to appear for their trial on charges of releasing tear gas in the Assembly of Kosovo in October 2015. Subsequently, on 3 January 2018, the Basic Court of Pristina found the four Vetëvendosje Assembly members guilty and gave each of them suspended sentences, meaning that they will not serve time in jail but will face a two-year probation period.

30. On 24 November, the Basic Court of Pristina, presided over by a EULEX judge, acquitted the Deputy Prime Minister of Kosovo, Fatmir Limaj, and his co-defendants of organized crime, abuse of an official position of authority and accepting bribes. The prosecution alleged that Mr. Limaj, in his former capacity as Minister of Transport, Post and Telecommunications, manipulated tender procedures, gave and received bribes and tampered with evidence in relation to three tenders published by the Ministry between 2008 and 2010.

31. On 20 December, a trial session was held at the Basic Court of Pristina for the nine individuals accused of planning attacks at a football match in Albania against the visiting Israeli team and its fans in November 2016. Two of the defendants pleaded guilty.

32. On 29 December, the President of Kosovo pardoned three former members of the Kosovo Liberation Army convicted of killing a family near Gllogoc/Glogovac in August 2001. The three pardoned individuals had been sentenced to 30 years in jail. A joint statement issued on 4 January by the embassies of France, Germany, Italy, the

United Kingdom of Great Britain and Northern Ireland and the United States of America in Pristina expressed deep concern about the pardons.

33. In a welcome development, on 15 November the Prime Minister of Kosovo appointed Negovan Mavric as Deputy Chair of the Commission on Missing Persons of the government of Kosovo. The appointment of a member of a non-majority community to the Commission, which had been a long-awaited development, is envisaged under the Law on Missing Persons, adopted on 28 August 2011.

34. Also on 15 November 2017, the government of Kosovo announced the establishment of the secretariat of the government Commission on Recognition and Verification of the Status of Victims of Sexual Violence, and the decision to allocate a monthly pension of €230 for survivors of conflict-related sexual violence. The establishment of the secretariat will help make the government Commission fully operational. While some civil society actors had previously advocated for a higher pension amount, the budget allocation is regarded as a historic move forward for survivors of conflict-related sexual violence. Notwithstanding this positive development, lack of inclusiveness of the Kosovo Serb and other communities in the process and the limited progress in ensuring access to justice for survivors of conflict-related sexual violence are of significant concern.

35. On 23 November, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment and punishment, Nils Melzer, concluded his two-day visit to Kosovo. Prior to his arrival, from 13 to 20 November, he conducted a field visit to Serbia. In a public statement issued after his visit, he encouraged the authorities in Belgrade and Pristina to further strengthen their ongoing efforts to provide medical and psychological support and rehabilitation to all victims of torture and other ill-treatment.

36. Following a visit to Kosovo from 14 to 16 November 2016, the Advisory Committee on the Framework Convention for the Protection of National Minorities of the Council of Europe published its fourth opinion on Kosovo on 2 January 2018. The opinion included comments by UNMIK, in accordance with the agreement between UNMIK and the Council of Europe on technical arrangements related to the Framework Convention. In the opinion, it was noted that while the legal framework on equality had improved, and the independence of the Office of the Ombudsperson Institution had been strengthened, the legal framework for the protection of minorities needed to be better implemented.

37. On 13 December, the President of Kosovo officially launched the preparatory team for the establishment of the truth and reconciliation commission, in the presence of ambassadors, international organizations and representatives of civil society. The preparatory team will review the challenges faced in establishing the commission and develop a road map to support the implementation of its mandate. The preparatory team has one year to establish the commission. Despite concerns expressed by the international and diplomatic community with regard to the mandate of the Commission, the President of Kosovo urged international partners to support the process.

VII. Women and peace and security

38. The Regional Women's Lobby for Peace, Security and Justice in Southeast Europe, composed of women from throughout the region, met in Pristina on 8 and 9 December to discuss the political and security situation in the region and to identify ways to enhance the role of women in peacebuilding and in stability initiatives at the regional and municipal levels.

39. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) continued to support survivors of conflict-related sexual violence through a project on supporting women survivors of sexual violence, implemented by the Kosovo Women's Network. In total, 177 women survivors received psychosocial support and microgrants through the project, which ended in December 2017. UN-Women also supported case-based mentoring for local war crime prosecutors and investigators.

40. On 11 December, the non-governmental organizations Women's Rights, in North Mitrovica, and Mundësia, in South Mitrovica, held their first dialogue session, under the auspices of Mitrovica women's trust building, a confidence-building measure supported by UNMIK. At the event, panellists emphasized the central role of women in supporting trust building in Mitrovica and the need to introduce participation quotas for women in institutions and decision-making bodies.

41. The annual international campaign 16 Days of Activism against Gender-based Violence took place throughout Kosovo from 25 November to 10 December. Increased partnerships and joint actions between international, governmental and civil society actors forged during the campaign contributed to greater public awareness about the drivers and consequences of violence against women and girls. As part of the campaign, the dance production One Day was performed in four cities throughout Kosovo, drawing over 600 spectators. The performance brought to life real stories of 30 Kosovo women relating to sexual violence, property rights and patriarchal norms. Also as part of the campaign, on 7 December, the Council of Europe and UNMIK, in cooperation with the European Union Office in Kosovo and OSCE, organized a living library event where Kosovars recounted their personal experiences facing gender stereotypes and obstacles to gender equality. The event helped to increase awareness of the importance of gender equality and of changing social and cultural norms in order to prevent gender-based violence.

VIII. Partnerships and cooperation

42. During the reporting period, UNMIK launched 12 confidence-building measures to promote inter-ethnic cooperation in various parts of Kosovo, working in close cooperation with local partners. Those measures included projects to support multi-ethnic women's groups in the area of income generation, to foster community integration through sports and to promote multi-ethnic cultural activities. UNMIK also began the implementation of a number of small-scale projects in the areas of human rights, rule of law and trust building, in close cooperation with United Nations Kosovo team partners.

43. On 21 December, the Missing Persons Resource Centre in Pristina, with support from UNMIK, organized a round table in Pristina to discuss the implementation of the conclusions of the June 2017 Geneva round table on missing persons and of the recommendations of the 2015 report of the Working Group on Enforced or Involuntary Disappearances. The Pristina round table brought together the Belgrade and Pristina delegations at the Working Group on Missing Persons, members of the Commissions on Missing Persons of the government of Kosovo and the Government of Serbia as well as representatives of the International Committee of the Red Cross, the International Commission on Missing Persons, EULEX, the Office of the United Nations High Commissioner for Human Rights and UNMIK.

44. UNMIK continued its efforts to support the implementation of Security Council resolution 2250 (2015) on youth, peace and security. From 1 to 8 December 2017, participants from the June 2017 youth assembly in Kosovo worked together with the Ministry of Culture, Youth and Sport of Kosovo on the drafting of the youth strategy

and youth action plan for 2018–2022. On 5 December, the multi-ethnic youth art exhibition entitled "Breaking borders through art" was held in Gračanica/Graçanicë, with support from UNMIK. Twenty young artists from diverse communities across Kosovo participated in the event.

45. At the 23 November meeting of the Central European Free Trade Agreement Joint Committee (CEFTA), the Kosovo delegation was unsuccessful in its call for the adoption of an amendment to the rules of procedure that exclude UNMIK from CEFTA meetings. The Kosovo delegation asked for the amendment for full compliance with the 2012 Arrangements on Regional Representation and Cooperation agreed between Belgrade and Pristina within the framework of the European Union-facilitated dialogue. The participation of UNMIK in CEFTA meetings continued to the extent required by CEFTA parties to ensure the Agreement's functionality. Kosovo is the 2018 CEFTA Chair in Office.

46. UNMIK continued to provide document certification services. A total of 741 documents were processed, including 441 relating to pensions and 300 to civil status, such as high school documents, university diplomas and marriage, birth and death certificates. UNMIK also continued to facilitate communication between the Kosovo authorities and the International Criminal Police Organization (INTERPOL). During the reporting period, UNMIK processed the issuance of 30 international wanted notices. On 1 December, INTERPOL removed from its database red notices for 18 residents of Kosovo, including Prime Minister Haradinaj, who are wanted by Serbia for allegedly committing war crimes in Kosovo.

IX. Observations

47. I welcome the peaceful conduct of free and fair municipal elections throughout Kosovo. The United Nations will continue to be a steadfast partner in advancing the interests of all communities throughout Kosovo. In addition, in the period ahead, the Mission will continue its efforts to promote intercommunal trust building in Kosovo, through the implementation of various discussion forums and local-level initiatives.

48. The murder in broad daylight of Oliver Ivanović, head of the Civic Initiative "Serbia, Democracy, Justice", caused shock and outrage in Kosovo and the broader region and the international community. The swift identification of those responsible and their appearance before justice are essential for maintaining the momentum towards lasting peace. I appreciated the restraint shown by political leaders in the aftermath of this heinous crime as well as the commitment demonstrated by Belgrade and Pristina to cooperate and avoid a fuelling of political tensions.

49. UNMIK and the entire United Nations family continue to support the efforts of the European Union to advance peace, progress and stability in Kosovo. The steps towards full integration of the Kosovo judiciary, according to the terms agreed during the European Union-facilitated dialogue between Belgrade and Pristina, as well as the steps taken towards Kosovo having a successful term as Chair in Office of CEFTA, are indicators of real progress. I call upon leaders in Belgrade and Pristina to continue to advance their mutual engagement during 2018, including towards the full implementation of the agreements reached within the framework of the European Union-facilitated dialogue.

50. In this light, I have observed with concern some recent setbacks in key areas, primarily in the impartial application of the rule of law. The establishment of the Kosovo Specialist Chambers and Specialist Prosecutor's Office has been a key step demonstrating the sincere intent of Kosovo to uphold the rule of law. This major achievement was the result of close collaboration between Kosovo and the

international community. The recent attempt by certain members of the Assembly of Kosovo to repeal the law on the Specialist Chambers and to undermine the credibility of the institution is deeply disappointing. I strongly urge the political leaders of Kosovo to continue to demonstrate their full commitment to justice and the rule of law.

51. I reiterate my own call on Member States to support the trust fund which was established in follow-up to the recommendations of the UNMIK Human Rights Advisory Panel. More than ever, it is important for Member States to support this initiative.

52. I am particularly grateful to my Special Representative, Zahir Tanin, and to the Mission at large for their continued engagement with key leaders and stakeholders in a coordinated effort to build greater trust among communities, and to promote progress and long-term stability in Kosovo and the region. The capacities of UNMIK remain at the service of all partners contributing to those objectives.

53. I conclude by reiterating my gratitude to the United Nations agencies, funds and programmes on the ground for their valuable collaboration with UNMIK, and to longstanding partners of the United Nations in Kosovo, including the Kosovo Force, the European Union and OSCE.

Annex I

Report of the European Union High Representative for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo from 16 October 2017 to 16 January 2018

1. Summary

On 22 December 2017, the governing coalition attempted to organize an extraordinary plenary session in the Assembly to abrogate the law on the Specialist Chambers and Specialist Prosecutor's Office. This failed since the Assembly could not get a quorum in the Presidency of the Assembly. This attempt was widely condemned by the European Union Special Representative and Head of the European Union Office and the heads of European Union missions, as well as the international partners of the European Union.

In the context of the European Union-facilitated dialogue, the European Union Rule of Law Mission in Kosovo (EULEX) made a significant contribution to the final stage of judicial integration. By supporting the Kosovo Judicial Council and the Kosovo Prosecutorial Council in complying with the obligations stemming from the Justice Agreement, the Mission had a positive impact on the judiciary and the stabilization process. EULEX further assisted the Ministry of Internal Affairs in drafting administrative instructions related to the implementation of the agreement on freedom of movement.

The Mission continued to monitor the adjudication of sensitive high-profile criminal cases already handed over to Kosovo counterparts. As a general trend, the Mission observed an increased reluctance on the part of the Kosovo judiciary to start or move ahead with those cases.

2. Activities of the European Union Rule of Law Mission in Kosovo

2.1. Executive

Organized crime and corruption

On 2 November, a panel of EULEX judges at the Basic Court of Mitrovica announced its verdict in a case against two defendants charged with abuse of official position or authority and fraud while in office. The defendants were acquitted of all charges.

On 14 November, a panel of two local judges and one EULEX judge at the Court of Appeals granted the appeal by one defendant and sent the case back for retrial. This was a majority decision, with a dissenting opinion by the EULEX judge included in the written ruling. Previously, on 6 October 2016, the defendant had been sentenced by the Basic Court of Ferizaj/Uroševac to seven years of imprisonment for abuse of official position, accepting bribes, trading in influence, providing assistance to perpetrators after the commission of the offence and failure to report criminal offences.

On 24 November 2017, a panel of one local judge and two EULEX judges at the Basic Court of Pristina announced its verdict in the Ministry of Transport, Post and Telecommunications case related to, inter alia, organized crime, abuse of official position or authority, and accepting and giving bribes. All five defendants were acquitted of all charges.

Other serious crimes

On 19 October, a panel of one local judge and two EULEX judges at the Court of Appeals pronounced its judgment in the case against one defendant. The panel acquitted the defendant of the charge of extortion and sent the case regarding the charge of incitement to commit aggravated murder to the Basic Court of Pristina for retrial. The defendant had been sentenced by the Basic Court of Pristina to 37 years of imprisonment on both charges.

Capacity-building

EULEX provided training on dark Internet markets and organized crime, aimed at promoting the capacities of Kosovo prosecutors to investigate and prosecute organized crime and terrorism. EULEX also provided training to enhance the capacities of legal officers in the Kosovo prosecutorial system to take part in legal drafting, as delegated by prosecutors. Furthermore, EULEX, in cooperation with the Kosovo Special Prosecution Office, held a two-day training session for local prosecutors and Kosovo police officers to raise their awareness regarding evidence collected from Facebook and other online social media platforms.

Justice integration

On 24 October, 40 Kosovo Serb judges and 13 Kosovo Serb prosecutors were appointed by decree of the President of Kosovo, Hashim Thaçi. This appointment will allow them to work as judges and prosecutors at all levels within the Kosovo judiciary. On the same day, around 140 support staff signed employment contracts. Subsequently, the new Kosovo Serb President of the Basic Court of Mitrovica and the Kosovo Serb Head of the Court of Appeals in Mitrovica were selected and nominated. EULEX provided support and assistance in making this important step in a long and difficult process, opening a new chapter in Kosovo's judicial system.

Institute of Forensic Medicine

EULEX forensic experts conducted site assessments in Podujevë/Podujevo, Kaçanik/Kačanik, Prizren and Rahovec/Orahovac. In addition, exhumations were carried out in Suvi Do/Suhodoll (Mitrovica) and Gjakovë/Đakovica. Four bodies were found and identified. A total of 6 individual and 24 sets of re-associated human remains were handed over to families. Progress continued to be made in reducing the backlog of autopsy and clinical examination reports. Two local doctors continued with the online training in forensic anthropology, provided by the University of Leicester.

Property rights

The Property Agency Appeals Panel of Kosovo adjudicated 35 cases, with 210 pending (33 of which are being translated). The Special Chamber of the Supreme Court for privatization matters rendered 343 decisions in first-instance trial panel cases and finalized 127 cases at the Appeals Panel level. As at 31 December, the Special Chamber of the Supreme Court had 21,016 cases pending.

2.2. Strengthening

Case monitoring

EULEX noted that a high percentage of scheduled court hearings — around 50 per cent over the last months — end up as "unproductive" hearings, that is, hearings in which nothing substantial occurred and which are often adjourned based on procedural grounds. EULEX raised this issue with the Chief State Prosecutor and the Chairs of both the Kosovo Judicial Council and the Kosovo Prosecutorial Council.

EULEX agreed to draft jointly, but with the local institutions in the lead, specific performance criteria and an inspection protocol in order to identify the reasons for the high percentage of unproductive hearings and produce a set of recommendations.

There is also a trend whereby some court cases have to restart from the beginning after the appointed judge has been reassigned. This has a negative impact on effective court proceedings and fair trial procedures.

In monitoring the selection process for supervisory judges of court branches, EULEX noted that not only the candidates, but also the evaluation committee chairs and members were well prepared. The latest interviews indicated a step forward compared with the previous interviews for court presidents. Hence, it can be concluded that not only have members of the Kosovo Judicial Council learned from previous experience, but also that the court presidents who serve on the evaluation committees have a real interest in selecting the best candidates. The selection procedures for Presidents of the Supreme Court and the Court of Appeals have also been also completed, and EULEX has observed that there is already an improvement in the performance of judges at the Court of Appeals.

Kosovo Judicial and Prosecutorial Councils

The Kosovo Judicial Council made progress in the drafting and adoption of important regulations. On 22 November, the Kosovo Judicial Council adopted the regulation on the training of judges and the regulation on the organization and functioning of the assembly of presidents of courts and supervisory judges. The Kosovo Judicial Council also selected the President and Deputy President of the Basic Court of Mitrovica, in compliance with the applicable legislation. EULEX observed that the interviews by the Kosovo Prosecutorial Council of 50 candidates for 18 vacant positions of State Prosecutors were held in a professional manner, treating candidates fairly and equally. In the end, 21 candidates were selected who will be proposed to the President of Kosovo for appointment as State Prosecutors.

The response by civil society to nominate candidates for the position on the Kosovo Prosecutorial Council reserved for a member of civil society was disappointing, especially since civil society has always claimed to be interested in the functioning of the Kosovo Prosecutorial Council.

Kosovo Correctional Service

On 18 November, 130 prisoners in Dubrava Correctional Centre Block 6 started to boycott work, joined by 157 prisoners from Block 3 two days later. This marked the second boycott of work by prisoners, protesting the removal of their privilege to receive food parcels and the reduction of leave days outside prison, in line with the new Law on the Execution of Penal Sanctions. On 11 December, all prisoners at the Dubrava Correctional Centre ended their boycott. EULEX closely monitored the boycott and provided recommendations to the working group of the Kosovo Correctional Service on amendments to the Law on the Execution of Penal Sanctions as well as to the Dubrava Correctional Centre on its processing of prisoners' leave and privileges.

On 29 December, to the concern of EULEX, the President of Kosovo signed a decree to pardon three high-profile inmates who were jailed for murdering five members of the Hajra family in a vehicle ambush in 2001. Only one young daughter survived the attack. It should be noted that the prison inmates enjoyed preferential treatment all along and were notoriously known for misconduct. The inmates were serving sentences ranging from 11 to 30 years.

Kosovo police

Regarding the 19 November run-off of the municipal elections in Kosovo, EULEX closely monitored the preparation and response of the Kosovo police and concluded that it performed well, followed all appropriate rules and procedures and aptly handled cases of election violation.

On 13 December, 16 vacancies within the Special Operations Unit Pristina-Mitrovica were opened to police officers belonging to minority groups within the organization. EULEX had suggested this option to Kosovo police senior commanders for consideration, highlighting its potential value.

Police Inspectorate of Kosovo

Of the 23 new positions in the Kosovo Police Inspectorate, 6 administrative positions were filled in September. With regard to the selection of the remaining 17 investigator and inspector positions, on 6 November the Minister of Internal Affairs suspended the signing of contracts after numerous complaints by candidates, and initiated an internal audit by the Ministry of Internal Affairs and the Kosovo Police Inspectorate. The findings of the audit are currently being discussed. EULEX has recommended re-advertising the positions.

On 21 November, a new Integrated Border Management National Coordinator and Deputy Minister of Internal Affairs was designated, but his appointment is still pending. There has thus been no progress in the implementation of the integrated border management action plan or the development of the Centre for Border Management.

European Union-facilitated dialogue

With regard to the European Union-facilitated dialogue, in particular the implementation of the integrated border management technical protocol, the bridge at the common crossing point at Merdare was demolished on 5 November, removing the last obstacle to the construction of the new common crossing point. In addition, the construction of the common crossing Point at Mutivodë/Mutivode is ongoing with an expected construction period of 12 months. No progress has been made with regard to establishing the three common crossing points to be hosted by Belgrade.

There has been no progress in the implementation of the licence plate sticker regime, the registration of vehicles or the integration of 39 municipal civil status officers in the northern municipalities.

The Minister of Internal Affairs of Kosovo signed a decision to recognize driving licences issued by parallel structures and to allow for their replacement with Kosovo driving licences on 15 December. This is an important step forward in the implementation of the provisions stipulated in the agreement on freedom of movement. Moreover, the implementation of the administrative instruction on the criteria of citizenship has slowly started. Notwithstanding further clarification provided by the Civil Registration Agency and by UNHCR, it is being implemented differently by the various civil status offices, causing obstacles for applicants and resulting in unequal treatment. EULEX is closely monitoring the situation and liaising with the Civil Registration Agency, the Ministry of Internal Affairs, OSCE and UNMIK on the issue.

3. Other key issues

Nothing significant to report.

Annex II

Specialist Chambers and Specialist Prosecutor's Office

On 24 October, the President of the Specialist Chambers, following consultations with the judges of the Specialist Chambers, approved the directive on counsel, leading to its subsequent adoption by the Registrar of the Specialist Chambers on 6 November. The directive sets out the eligibility requirements for counsel to practice before the Specialist Chambers and the rules for assignment and appointment of counsel to suspects and accused, as well as to victims. In conjunction with the adoption of the directive on counsel, the application process for counsel for the list of Specialist Defence Counsel and of Victims' Counsel of the Specialist Chambers was opened on 6 November. The Specialist Chambers began to receive applications immediately and the application process is ongoing. Applications are available in all three official languages of the court (Albanian, English and Serbian), with the application form and guidelines posted online.

The Registry of the Specialist Chambers continues to engage in close collaboration with the host State in order to facilitate the work of the Specialist Chambers, including in relation to the renovation of the future court premises in The Hague. On 1 November, the Registrar met with representatives at the Ministry of Foreign Affairs of the Netherlands, including the Ambassador for International Organizations. On 2 November, the Registrar met with the Director of Legal and Operational Affairs at the Ministry of Security and Justice. On 9 November, the Deputy Registrar attended the meeting of the steering committee for the renovation of the future court premises.

From 22 to 25 November, the President of the Specialist Chambers, joined by the Registrar, undertook her first official visit to Kosovo. Meetings were held with the Kosovo Minister of Justice, the Head of the Kosovo Bar Association and the Ombudsperson, as well as representatives of international organizations, European Union member States and donor countries. The President and the Registrar provided updates on developments related to the Specialist Chambers in 2017 and the President emphasized the need to ensure fair, independent, expeditious, safe and transparent proceedings before the Specialist Chambers.

On 23 November, as part of the Specialist Chambers' ongoing communication and outreach activities, and integral to the first official visit to Kosovo by the President of the Chambers, the President and Registrar held an information session for Kosovo civil society in Pristina, providing information on the developments and activities of the Specialist Chambers. The event was well attended and included representatives from the Kosovo Serb community. It attracted significant media coverage, with the entire session broadcast live on the primary Kosovo television station. At this event, the President of the Specialist Chambers announced a pledge by the Government of Switzerland for funding outreach activities, which will support direct communication with relevant audiences in Kosovo and the region. During and since her visit to Kosovo, the President has conducted numerous media interviews, in Kosovo, throughout the region and in The Hague.

On 9 December, as part of the Specialist Chambers' ongoing communication and outreach activities, the Registrar presented the work of the Specialist Chambers, at the annual conference of the Association of Defence Counsel Practicing before the International Courts and Tribunals. The Registry of the Specialist Chambers has also produced factsheets concerning defence at the Specialist Chambers as well as victims' participation before the Specialist Chambers, and has continued to share such materials and guidance directly with the Kosovo Bar Association.

On 19 December, the President, Registrar and Specialist Prosecutor briefed European Union member States and ambassadors from contributing States in The Hague on the current activities of the Specialist Chambers and Specialist Prosecutor's Office, and the three principals continued to engage with diplomatic representatives in The Hague on potential future cooperation in the areas of witness protection and the enforcement of sentences.

The Specialist Prosecutor's Office is continuing its investigation into the allegations contained in the January 2011 report by the Parliamentary Assembly of the Council of Europe entitled "Inhuman treatment of people and illicit trafficking in human organs in Kosovo", in accordance with its mandate set out in the special law adopted by the Assembly of Kosovo in August 2015. Irrespective of attempts to revoke or amend the special law, the Specialist Prosecutor's Office remains focused on discharging its responsibilities. Among other things, the special law gives the Specialist Prosecutor the authority to call upon Kosovo institutions to assist him. When it has been in the interest of the investigation, assistance has been requested and that assistance has been provided thus far. The Specialist Prosecutor will continue to seek assistance from any person and any institution, domestic or international, to advance the investigation and to ensure that it is done objectively, professionally, impartially, thoroughly and well. Assistance from authorities in Belgrade and Pristina, as well as from the European Union and the wider international community, is essential. The Specialist Prosecutor's Office requires the continued engagement and full support of the international community and individual States in all its activities. The Specialist Prosecutor's Office is committed to fulfilling its mandate as efficiently and in as short a time as possible without compromising the quality or credibility of its work.

Annex III

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

(as at 15 January 2018)

Country	Number
Austria	1
Bulgaria	1
Finland	1
Germany	2
Hungary	2
Russian Federation	2
Turkey	1
Total	**10**

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 15 January 2018)

Country	Number
Czechia	2
Poland	2
Republic of Moldova	1
Romania	1
Turkey	1
Ukraine	1
Total	**8**

Map No. 4138 Rev. 12 UNITED NATIONS
October 2017 Cartography

Department of Field Support
Geospatial Information Section (former Cartographic Section)